



I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AF, COMMISSIONER FOR PATENTS/P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY:

*Janette Ragland*

DATE:

*October 18, 2004*

**PATENT  
MAIL STOP AF**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of : Group Art Unit: 1632  
Darwin J. Prockop, *et al.* :  
: Examiner: Robert M. Kelly  
Appln. No: 09/839,711 :  
: Attorney Docket  
Filed: April 20, 2001 : No. (053844-5005-00)  
:   
For: STROMAL CELL USE :  
:

**AFTER FINAL REQUEST FOR CONTINUED EXAMINATION (RCE)  
UNDER 37 C.F.R. 1.114**

This is a request under 37 CFR 1.114 for continued examination (RCE) of the above identified application in response to the Advisory Action mailed May 10, 2004. Enclosed are the following in support of the RCE under 37 C.F.R. 1.114:

- ☐ Enter the unentered Amendment previously filed on April 19, 2004 under 37 CFR 1.116 in the above application.
- ☒ An Amendment/Request for Reconsideration.
- ☒ An Information Disclosure Statement, PTO-1449 and cited references.
- ☐ New formal drawings.

10/21/2004 JADD01 00000066 500310 09839711  
01 FC:2801 395.00 DA

The following fees are enclosed:

- ☒ RCE fee of \$385 required under 37 C.F.R. 1.17(e).

					SMALL ENTITY		LARGE ENTITY	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	RATE	ADDIT. FEE
TOTAL	32	(-)	20	12	x9	108	x18	
INDEP.	14	(-)	7	7	x43	301	x86	
<input type="checkbox"/> 1st PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					+\$145		+\$290	
					TOTAL	409	TOTAL	

- ☐ Firm check(s) totaling \$\_\_\_\_.00 is/are enclosed herewith.
- ☒ The Commissioner is hereby authorized to charge and/or credit Deposit Account No. 50-0310 (Billing No. **053844-5005**) as noted below. A duplicate copy of this sheet is enclosed.
- ☒ Any overpayments or deficiencies in the above-calculated fee(s).
- ☒ RCE fee in the amount of **\$385.00**.
- ☐ Extension fee in the amount of \$\_\_\_\_.00.
- ☒ Additional claim fee(s) in the amount of **\$409.00** as calculated above
- ☒ Any additional fees required under 37 C.F.R. §§ 1.16 or 1.17.
- ☒ In the event that a Petition for Extension of Time is required, but not enclosed, please charge any extension fee under 37 C.F.R. § 1.136(a) to our Deposit Account noted above.

Respectfully submitted,

**DARWIN J. PROCKOP ET AL.**

October 12, 2004  
(Date)

By:

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KD/QDN del  
Enclosure

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AF COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON THE DATE INDICATED BELOW.

BY: Janette Rayfield DATE: October 18, 2004

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In re:	Patent Application of Darwin J. Prockop, <i>et al.</i>	: Group Art Unit: 1632 :
Appln. No:	09/839,711	: Examiner: Robert M. Kelly :
Filed:	April 20, 2001	: Attorney Docket : No. <b>053844-5005</b> :
For:	STROMAL CELL USE	: :

**AMENDMENT**

This Amendment responds to the Final Office Action mailed May 19, 2004 (Paper No. 05172004), sent in connection with the above-captioned application. This Amendment is being timely filed in view of the accompanying Petition for Two Month Extension of Time, and associated fee, which extends the time for response to and through October 19, 2004.

This Amendment accompanies a Request for Continued Prosecution filed concomitantly herewith and is being timely filed.